

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

ERIC BERNING,

Defendant.

Mag No. 3:20-mj-06003-DEA

**ORDER**

Pursuant to Rule 5(f) of the Federal Rules of Criminal Procedure, and as set forth on the record during the initial appearance of the defendant on this 21st day of January, 2021, in the presence of both the prosecutor and defense counsel in this matter, the Court confirms the United States' continuing obligation to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, the Court's order to produce information, the granting of a continuance, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.



Hon. Douglas E. Arpert  
United States Magistrate Judge